

Notice of Allowability

Application No.

10/768,991

Examiner

Yogesh C. Garg

Applicant(s)

HUDETZ ET AL.

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3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/28/2007.
2. ☒ The allowed claim(s) is/are 33-76.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

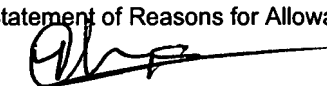
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 6/5/2007.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


YOGESH C. GARG
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600

DETAILED ACTION

Response to Amendment/Arguments

1. Applicant's arguments, see Remarks, pages 14-17, filed 3/28/2007, with respect to rejection of claims 33-76 under 35 USC 112, first paragraph have been fully considered and are persuasive. The rejection of claims 33-76 under 35 USC 112, first paragraph has been withdrawn.

2. In view of applicant's submission of a valid Terminal Disclaimer filed on 3/28/2007 rejection of claims 33 and 55 on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 36, and 71 of US Patent 6,199, 048 to Hudetz et al. in view of US Patent 5,550,976 to Henderson et al. is withdrawn.

Claims 33-76 are pending.

Drawings

3. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because in all the figures following DRAWING deficiencies have been noted:

the character of the lines, numbers and letters is poor in all the Figures;

the drawings are obscure and marred by black smudges, obliterations, or fax/copier marks; and

numbers, letters, or reference characters in the drawings are illegibly handwritten.

Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new

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drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Allowable Subject Matter

4. Claims 33-76 are allowed. Claims 33 and 55 are independent claims and the rest are their dependencies.

The following is an examiner's statement of reasons for allowance:

The prior art of record, either alone or combined, neither teaches nor renders obvious a networked computer system and method comprising a requesting computer reading a data carrier modulated with an index, transmitting the machine read index to at least one of the routing computers, receiving pointer information from the routing computers that correlates the machine-read index to a pointer which identifies the information computer on the network, and using the pointer to request information from the identified information computer (see claims 33 and 55 and the applicant's Remarks, pages 14-17, filed on 3/28/2007).

5. Discussion of most relevant prior art:

US Patent 5,640,193 to Wellner teaches an apparatus and method using a computing device to scan machine-readable marks/codes on an object, communicating a request signal with the object code representing the same marks/codes to a user interface and the interface transmitting the request signal to a server with a request

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command including the object code representing the marks/codes and wherein on reading and identifying the object code the server, either itself or via other servers provides the necessary service to the user (see at least Abstract , Figs.2-3 and col.2, line 22-col.6, line 46). Wellner does not teach or suggest that a requesting computer transmits a machine read index to at least one of the routing computers, receives pointer information from the routing computers that correlates the machine-read index to a pointer which identifies the information computer on the network, and using the pointer to request information from the identified information computer.

(ii) US Patent 5,657,233 to Cherrington et al. (see at least Abstract, Fig.10 and col.20, lines 19-67) discloses retrieving data/information from more than one databases/computers in a peer-to-peer network but does not teach or suggest that a requesting computer transmits a machine read index to at least one of the routing computers, receives pointer information from the routing computers that correlates the machine-read index to a pointer which identifies the information computer on the network, and using the pointer to request information from the identified information computer.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C. Garg whose telephone number is 571-272-6756. The examiner can normally be reached on Increased Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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Primary Examiner
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YCG
6/5/2007